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## NOBLITT IS IN SUSPENSE

His Case on Trial Before The Circuit Court.

### A DECISION ON FRIDAY

Doctor Who Was Banned for Quackery Being Tried for Offense.

Dr. Noblitt, who has several times in the past two years faced Judges in both the District and Circuit Courts, was before the First Judge of the Circuit Court yesterday, accused of practicing medicine without the formality of a license from the Treasurer of the Territory. Not only has Dr. Noblitt not a license at the present time, but the one which was furnished him by Minister of the Interior King in 1898 has been revoked for more than a year past. This was done upon the written recommendation of the Board of Health after hearing testimony as to the doctor's alleged unprofessional conduct in associating himself with a professed quack and seller of patent medicines.

The case was heard during the afternoon, the only witnesses on the stand being Charles Wilcox, secretary of the Board of Health, and George Cummings Ross, a clerk in the office of the Superintendent of Public Works. Both witnesses produced letter copy books, records of minutes, stubs of license books and other data, required by Mr. Cathcart, deputy attorney general, who conducted the prosecution. C. C. Bitting appeared for Dr. Noblitt, and the latter was in court.

Upon the request of Mr. Cathcart, the defendant was arraigned by the Judge on the ground of unprofessional conduct. The indictment against him was to the effect that he had practiced without a license contrary to the statutes of the Territory and in direct violation of the recommendations and findings of the Board of Health. To this indictment the defendant pleaded not guilty.

The defendant's attorney moved for the discharge of his client, and after delivering a lengthy argument in support of his request, the Judge sharply asked him if he had filed his motion in writing. The attorney replied that he had not, whereupon His Honor stated that he would not hear the case further until the motion had been reduced to writing. The attorney said he had never known in his practicing career that such motion had to be made and filed in writing.

There was a strained silence for a few moments while Attorney Bitting worked a pen across the surface of a piece of yellow paper, legal size. At length Mr. Bitting arose, yellow paper in hand and opened his mouth to state that he had his motion in writing, when the Judge interrupted him. "Is that your motion?"

"Yes, sir."

"You have not written it on the proper paper."

"Why, it is written on legal paper and in the proper form, Your Honor?"

was the surprised rejoinder.

"No, sir; that is merely common, ordinary, yellow, scratch paper, and will not be admitted as a paper for file."

Mr. Bitting sat down. There was nothing else for him to do. He threw up his hands in despair, and calmly awaited the procedure of the case, tearing into tiny pieces the much-talked-of but doomed motion.

Mr. Bitting in opening his argument said that Dr. Noblitt had been obliged by the exigencies of the matter to deny a conclusion of law rather than a statement of facts. He said the language of the Penal Code relating to medicinal practice prohibited one from practicing medicine without first having obtained a license and another section prescribed the punishment for a violation thereof, but he said there was nothing contained in the Penal Code which prevented a physician from practicing after his license was revoked, nor was there any punishment prescribed for a physician practicing after his license had been revoked.

After Charles Wilcox was put upon the stand Bitting again moved that his client be discharged. He quoted the McNulty case of 1888 in California, which seems to have been in line with the case of Dr. Noblitt, in which the California Supreme Court had decided in favor of the defendant. Mr. Cathcart admitted that the decision was an authority much in the favor of Dr. Noblitt but said that the opinions of the Justices could be pulled to pieces. He said that the remarkable personality of Hall McAllister, a well-known member of the California bar, and the attorney for the defendant McNulty had dominated not only jurors and judges, but even invaded the bench of the Supreme Court, and he had no doubt that the decision in favor of McNulty was due to this fact.

"Hall McAllister died about seven years before the arguments took place in that case, did he not, Mr. Cathcart?" dryly inquired His Honor.

"Well, no; not if he argued before the Court in 1888?" smilingly replied the Deputy Attorney General.

Stenographer Jones thought he died in 1889, but there was too much doubt expressed to make the point clear as to when the California Jurist left Mother Earth, and the case was continued without waiting to ascertain this fact.

Wilcox's testimony was mostly confined to exhibits which were introduced showing when the Board of Health first took action against Noblitt, his hearing before the members, and their recommendation to the Minister of Interior. George Ross had the book of stubs showing when the doctor's license was revoked. Bitting said the Board had no right to cause such action, that it was "arbitrary, capricious, vicious and revengeful." The Court said that under the law it could not review the proceedings of the Board of Health. Deputy Sheriff Chillingworth told of certain conversations which he had had with defendant.

Bitting then asked for Noblitt's discharge, stating that no offense had been proven against his client, and that Dr. Noblitt's competency as a physician had not been attacked nor his moral attributes.

He gave his opinion of the "medicinal trust," and said the proceedings all through were based on the jealousy of Noblitt's brother doctors.

Mr. Cathcart said if a license was called back by the Government the practitioner was without a license. The saying, "first obtained," meant that the physician have a license before he

practice his profession. He is just in the same position after his license is revoked as when he applied for it. Mr. Cathcart paid his respects to the McNulty case and the California Supreme Court. He said the California Supreme Court had reversed itself oftener than any other State in the Union, and often the men who had composed the Supreme Court were not jurists and had no right to be there and ever should have been permitted to be placed there.

The Judge said some nice points at law had been raised and he would consider the authorities and file a decision in the case on Friday.

### Fritz in Hard Luck.

Judge Wilcox listened to a lengthy and entertaining story yesterday morning when John Fritz was called to answer to the charge of vagrancy. Fritz claims to have arrived on the steamer Mariposa with plenty of money in his pocket. He tells a hard luck story about the failure of a local expressman to get his trunk off the steamer, the Mariposa having sailed away with his trunk, which contained a ticket upon which he was to have continued to the Colonies by one of the steamers of the line. He took a little trip to Hilo and returned to this city on Saturday, intending to leave on the Sierra to follow up his trunk. Judge Wilcox did not seem much worried over the man's case and remanded the matter until today for investigation.

### WILL ERECT A BIG BUILDING

Fred Harrison Buys Lease of Lot at Beretania and Fort Streets

Fred Harrison has bought the lease to the property at the corner of Fort and Beretania street, opposite the Progress block, from Senator Clark of Wyoming. The latter held an option on the property, but concluded not to improve it. As he was to commence building operations by the end of this year, Fred Harrison made overtures and secured the lease, which has thirty-eight years to run.

He has erected a board fence around the premises and has planned to erect a building which will cover the entire ground, which is 110 feet on Beretania and 98 feet on Fort street. He will put up a building suitable to the needs of tenants, and will advertise for tenants and have them express their ideas as to what accommodations they require. He may put up a three-story building, but it is not decided as to what the materials will be in its construction. There is a bare possibility of the building being a hotel.

### UP AGAINST IT.

Government in Trouble To Locate a Rock Crusher.

The Government has met a difficulty in the matter of setting up of two large rock crushers which arrived on the Wallace B. Flint. One of the crushers is to be put up at the Government quarries back of the insane asylum and the Superintendent of Public Works had intended to put up the other at a quarry at the foot of Tantalus, but a little formality of settling the question of ownership must be gone through first.

W. E. Rowell, about the middle of last year, located the quarry above mentioned, supposing that the place was situated on Government land, but it turned out that the land was a piece of private property owned by an estate of this city. The mistake was not discovered until within a few weeks ago, and the land will have to be obtained on the basis of a payment of twenty per cent more than the last tax assessment, under the right of eminent domain. Meanwhile the rock crusher waits.

### A BALD NEWSPAPER MAN.

Getting a New Crop of Hair and Has No More Dandruff.

Everybody in the Northwest knows Col. Daniel Searles, the veteran journalist and publicist of Butte, Jan. 10, 1900, the Colonel writes: "I used a couple of bottles of Newbro's Herpicide with marvelous results. The dandruff disappeared, a crop of new hair has taken root and the bald spot is rapidly being covered." Herpicide is the only hair preparation that kills the dandruff germ that digs up the scalp in scales as it burrows its way to the root of the hair, where it destroys the vitality of the hair, causing the hair to fall out. Kill the dandruff germ with Herpicide.

A son was born Sunday morning to Mr. and Mrs. W. J. Coelho.

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Other Chiffoniers of a smaller size in mahogany, mahogany finish and golden oak.

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